

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GERALD E. LAMPKIN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 08 C 00006
)	
LOYOLA UNIVERSITY MEDICAL CENTER,)	Judge Blanche M. Manning
)	Magistrate Judge Martin C. Ashman
Defendant.)	

MOTION TO COMPEL COMPLIANCE WITH DISCOVERY

Defendant, Loyola University Medical Center (“Loyola”), pursuant to Fed.R.Civ.P. 37, moves this Honorable Court for an order compelling Plaintiff Gerald Lampkin (“Plaintiff”) to respond to Loyola’s long-standing written discovery requests, so that Loyola can proceed with the deposition of Plaintiff and comply with the Court’s discovery schedule. In support, Loyola states as follows:

1. On March 13, 2008, this Court entered an order adopting the discovery schedule submitted by the parties. That Order set a deadline to complete all discovery by September 30, 2008.
2. On May 13, 2008, Loyola served Plaintiff with written discovery requests, including interrogatories and document production requests. (*See* Loyola’s discovery requests and Certificates of Service attached as **Exhibit A**.)
3. Loyola has not received any responses to its written discovery requests.
4. At this Court’s status conference on June 5, 2008, Counsel for Plaintiff, Armand Andry, requested that Counsel for Loyola, Rachel Urquhart, grant Plaintiff an extension to respond to discovery until June 19, 2008. Ms. Urquhart agreed to this extension.

5. By e-mail on June 16, 2008, Mr. Andry requested an additional "two weeks or so" to complete discovery. Ms. Urquhart responded on June 17 that "We are agreeable to an extension until the end of the month to respond to our outstanding discovery. If you need more time than that, you will need to file a motion, as this is the second request for an extension that we have agreed to." (*See Ex. B.*, E-mail correspondence between Andry and Urquhart.)

6. Plaintiff failed to provide any discovery responses by June 30, and on July 2, Ms. Urquhart sent an e-mail message to Mr. Andry stating that if Plaintiff's discovery responses were not received by July 7, 2008, Defendant would be obligated to file a motion to compel in order to timely comply with the Court's discovery schedule. (*See Ex. B.*)

7. As of July 7, 2008, Plaintiff still had not answered Loyola's discovery. Accordingly, pursuant to Local Rule 37.2, on July 8, 2008, at 10:40 a.m., Ms. Urquhart left a telephone message for Mr. Andry notifying him that if Loyola did not receive Plaintiff's responses by the end of business on Wednesday, July 9, 2008, Defendant would file a Motion to Compel.

8. Mr. Andry returned Ms. Urquhart's call later that day and asked for additional time. Ms. Urquhart granted Plaintiff until the end of business on Thursday, July 10, 2008.

9. As of 1:00 p.m. on Friday, July 11, 2008, Loyola had not received any discovery responses from Plaintiff.

10. Plaintiff's discovery responses were originally due June 12, 2008, and will be more than four weeks overdue when this motion is heard by the Court.

WHEREFORE, Loyola respectfully requests that an order be entered compelling Plaintiff to fully respond to Loyola's outstanding written discovery requests.

Respectfully submitted,

LOYOLA UNIVERSITY MEDICAL CENTER

/s/Rachel S. Urquhart

One of the Attorneys for Defendant

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CERTIFICATE OF SERVICE

I, Rachel S. Urquhart, an attorney, hereby certify that on July 11, 2008, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send notification of such filing to the following:

Armand L. Andry at armandandry@hotmail.com

/s/Rachel S. Urquhart

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